

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10358-RWZ

YANCY CALHOUN

v.

UNITED STATES OF AMERICA

ORDER ON MOTION FOR CERTIFICATE OF APPEALABILITY

August 24, 2005

ZOBEL, D.J.

On Booker grounds, United States v. Booker, 125 U.S. 738 (2005) Yancy Calhoun petitioned under 28 U.S.C. § 2255 for vacation of his sentence imposed in March 1994. This Court denied the petition because the new rule was held not to have retroactive effect. Cirilo-Munoz v. United States, 404 F. 3d 527 (1st Cir. 2005). Since that decision leaves little doubt about the law in this Circuit, the application for a certificate of appealability is denied.

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DATE

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/s/ Rya W. Zobel

RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE